



General Assembly

**Amendment**

January Session, 2013

LCO No. 6717

**\*SB0015906717SD0\***

Offered by:

SEN. OSTEN, 19<sup>th</sup> Dist.

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To: Subst. Senate Bill No. 159

File No. 330

Cal. No. 261

**"AN ACT CONCERNING EMPLOYEE PRIVACY."**

1 In line 8, after "thereof" insert ", except "employer" shall not include  
2 any state or municipal law enforcement agency conducting a  
3 preemployment investigation or review of law enforcement personnel"

4 After line 8, insert the following and renumber the remaining  
5 subdivisions and internal references accordingly:

6 "(4) "Electronic communications device" means any electronic  
7 device that is capable of transmitting, accepting or processing data,  
8 including, but not limited to, a computer, computer network and  
9 computer system, as those terms are defined in section 53a-250 of the  
10 general statutes, and a cellular or wireless telephone;"

11 In line 18, strike "No" and insert in lieu thereof "Except as provided  
12 in subsection (d) of this section, no"

- 13 In line 20, after "name" insert "and password"
- 14 In line 24, after "name" insert "and password"
- 15 In line 26, strike ";" and insert in lieu thereof ", or"
- 16 In line 27, after "body" insert "or court"
- 17 In line 28, strike "(C) who" and insert in lieu thereof "or"
- 18 Strike lines 29 to 31, inclusive
- 19 After line 31, insert:
- 20 "(3) Fail or refuse to hire any employee or applicant as a result of his  
21 or her refusal to provide such employer with a user name and  
22 password, password or any other authentication means for accessing a  
23 personal on-line account."
- 24 Strike lines 32 to 40, inclusive, and insert the following in lieu  
25 thereof:
- 26 "(c) No employer shall be liable for failing to request or require that  
27 an employee or applicant provide such employer with a user name  
28 and password, password or any other authentication means for  
29 accessing a personal on-line account.
- 30 (d) (1) An employer may request or require that an employee or  
31 applicant provide such employer with a user name and password,  
32 password or any other authentication means for accessing (A) any  
33 account or service provided by such employer or by virtue of the  
34 employee's employment relationship with such employer or that the  
35 employee uses for business purposes, or (B) any electronic  
36 communications device supplied or paid for, in whole or in part, by  
37 such employer.
- 38 (2) No employer shall be prohibited from discharging, disciplining  
39 or otherwise penalizing an employee or applicant that has transferred,  
40 without such employer's permission, such employer's proprietary

41 information, confidential information or financial data to or from such  
42 employee or applicant's personal on-line account.

43 (e) Nothing in this section shall prevent an employer from:

44 (1) (A) Conducting an investigation for the purpose of ensuring  
45 compliance with applicable state or federal laws, regulatory  
46 requirements or prohibitions against work-related employee  
47 misconduct based on the receipt of specific information about activity  
48 on an employee or applicant's personal on-line account; or (B)  
49 conducting an investigation based on the receipt of specific  
50 information about an employee or applicant's unauthorized transfer of  
51 such employer's proprietary information, confidential information or  
52 financial data to or from a personal on-line account operated by an  
53 employee, applicant or other source. Any employer conducting an  
54 investigation pursuant to this subdivision may require an employee or  
55 applicant to allow such employer to access his or her personal on-line  
56 account for the purpose of conducting such investigation, provided  
57 such employer shall not require such employee or applicant to disclose  
58 the user name and password, password or other authentication means  
59 for accessing such personal on-line account; or

60 (2) Monitoring, reviewing, accessing or blocking electronic data  
61 stored on an electronic communications device paid for in whole or in  
62 part by an employer, or traveling through or stored on an employer's  
63 network, in compliance with state and federal law.

64 (f) Nothing in this section shall be construed to prevent an employer  
65 from complying with the requirements of state or federal statutes,  
66 rules or regulations, case law or rules of self-regulatory organizations."